

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2009-0026-PST-E TCEQ ID: RN102456753 CASE NO.: 36974
RESPONDENT NAME: GLAZER'S WHOLESALE DRUG COMPANY, INC.

Page 1 of 2

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input checked="" type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: 101 45TH Street, Corpus Christi, Nueces County

TYPE OF OPERATION: fleet refueling facility

SMALL BUSINESS: ☒ Yes ☐ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired July 12, 2009. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Mr. Steven M. Fishburn, Litigation Division, MC 175, (512) 239-0635
Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019

TCEQ Enforcement Coordinator: Ms. Kimberly Morales, Waste Enforcement Section, MC R-12, (713) 422-8938

TCEQ Regional Contact: Mr. Brad Genzer, Corpus Christi Regional Office, MC R-14, (361) 825-3106

Respondent: Mr. Cary Rossel, Vice-President, Glazer's Wholesale Drug Company, Inc., 14911 Quorum Drive, Suite 400, Dallas, Texas 75254

Respondent's Attorney: Not represented by counsel on this enforcement matter.

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: N/A</p> <p>Date of Investigation Relating to this Case: September 26, 2008</p> <p>Date of NOE Relating to this Case: November 25, 2008</p> <p>Background Facts: The agreed order was signed on June 9, 2009.</p> <p>Current Compliance Status: No outstanding technical requirements.</p> <p>PST:</p> <p>1. Failed to inspect the impressed current cathodic protection system at least once every 60 days to ensure the rectifier and other components are operating properly, and failed to test the corrosion protection system once every three years [30 TEX. ADMIN. CODE § 334.49(c)(2)(C) and (c)(4) and TEX. WATER CODE § 26.3475(d)].</p> <p>2. Failed to ensure that all Underground Storage Tanks are monitored in a manner which will detect a release at a frequency of at least once every month [30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1)].</p>	<p>Total Assessed: \$11,159</p> <p>Total Deferred: \$0</p> <p><input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Paid to General Revenue: \$11,159</p> <p>The Respondent paid the administrative penalty in full.</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The ED recognizes that the Respondent permanently removed the USTs from service on March 18, 2009.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	2-Dec-2008	PCW	12-Jan-2009	Screening	6-Jan-2009	EPA Due	
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RESPONDENT/FACILITY INFORMATION

Respondent	Glazer's Wholesale Drug Company, Inc.		
Reg. Ent. Ref. No.	RN102456753		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	36974	No. of Violations	2
Docket No.	2009-0026-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Roshondra Lowe
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 **\$10,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 0.0% Enhancement Subtotals 2, 3, & 7 **\$0**

Notes No penalty enhancement due to an average performer classification.

Culpability No 0.0% Enhancement Subtotal 4 **\$0**

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments Subtotal 5 **\$0**

Economic Benefit 0.0% Enhancement* Subtotal 6 **\$0**

Total EB Amounts \$1,228
Approx. Cost of Compliance \$2,600

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal **\$10,000**

OTHER FACTORS AS JUSTICE MAY REQUIRE 11.6% Adjustment **\$1,159**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes Recommended enhancement to capture the avoided cost of compliance associated with violation no. 1.

Final Penalty Amount **\$11,159**

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty **\$11,159**

DEFERRAL 0.0% Reduction Adjustment **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes Deferral not offered for non-expedited settlement.

PAYABLE PENALTY **\$11,159**

Screening Date 6-Jan-2009

Docket No. 2009-0026-PST-E

PCW

Respondent Glazer's Wholesale Drug Company, Inc.

Policy Revision 2 (September 2002)

Case ID No. 36974

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102456753

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Roshondra Lowe

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

No penalty enhancement due to an average performer classification.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date 6-Jan-2009		Docket No. 2009-0026-PST-E		PCW																	
Respondent Glazer's Wholesale Drug Company, Inc.		<small>Policy Revision 2 (September 2002)</small>																			
Case ID No. 36974		<small>PCW Revision October 30, 2008</small>																			
Reg. Ent. Reference No. RN102456753																					
Media [Statute] Petroleum Storage Tank																					
Enf. Coordinator Roshondra Lowe																					
Violation Number		<div style="border: 1px solid black; padding: 2px;">1</div>																			
Rule Cite(s)		<div style="border: 1px solid black; padding: 2px;">30 Tex. Admin. Code §§ 334.49(c)(2)(C), (c)(4) and Tex. Water Code § 26.3475(d)</div>																			
Violation Description		<div style="border: 1px solid black; padding: 2px;">Failed to inspect the impressed current cathodic protection system at least once every 60 days to ensure the rectifier and other components are operating properly. Failed to test the corrosion protection system once every three years.</div>																			
Base Penalty				<div style="border: 1px solid black; padding: 2px;">\$10,000</div>																	
>> Environmental, Property and Human Health Matrix																					
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> </tr> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td><div style="border: 1px solid black; width: 40px; height: 15px; text-align: center;">x</div></td> <td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td> </tr> </table>					Harm			Release	Major	Moderate	Minor	Actual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	Potential	<div style="border: 1px solid black; width: 40px; height: 15px; text-align: center;">x</div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	Percent <div style="border: 1px solid black; padding: 2px;">25%</div>
		Harm																			
	Release	Major	Moderate	Minor																	
Actual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>																		
Potential	<div style="border: 1px solid black; width: 40px; height: 15px; text-align: center;">x</div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>																		
>> Programmatic Matrix																					
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Falsification</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td></td> <td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td> </tr> </table>					Falsification	Major	Moderate	Minor		<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	Percent <div style="border: 1px solid black; padding: 2px;">0%</div>						
	Falsification	Major	Moderate	Minor																	
	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>																	
Matrix Notes	<div style="border: 1px solid black; padding: 2px;">Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of this violation.</div>																				
Adjustment				<div style="border: 1px solid black; padding: 2px;">\$7,500</div>																	
				<div style="border: 1px solid black; padding: 2px;">\$2,500</div>																	
Violation Events																					
Number of Violation Events		<div style="border: 1px solid black; padding: 2px;">2</div>	<div style="border: 1px solid black; padding: 2px;">103</div>	Number of violation days																	
<small>mark only one with an x</small>	daily	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	Violation Base Penalty <div style="border: 1px solid black; padding: 2px;">\$5,000</div>																		
	weekly	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>																			
	monthly	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>																			
	quarterly	<div style="border: 1px solid black; width: 40px; height: 15px; text-align: center;">x</div>																			
	semiannual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>																			
	annual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>																			
	single event	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>																			
Two quarterly events are recommended based on the documentation of the violation during September 26, 2008 investigation to the January 6, 2009 screening date.																					
Good Faith Efforts to Comply		0.0% Reduction		<div style="border: 1px solid black; padding: 2px;">\$0</div>																	
		Before NOV	NOV to EDRP/Settlement Offer																		
Extraordinary	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>																			
Ordinary	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>																			
N/A	<div style="border: 1px solid black; width: 40px; height: 15px; text-align: center;">x</div>	(mark with x)																			
Notes	<div style="border: 1px solid black; padding: 2px;">The Respondent does not meet the good faith criteria for this violation.</div>																				
Violation Subtotal				<div style="border: 1px solid black; padding: 2px;">\$5,000</div>																	
Economic Benefit (EB) for this violation		Statutory Limit Test																			
Estimated EB Amount		<div style="border: 1px solid black; padding: 2px;">\$1,160</div>	Violation Final Penalty Total <div style="border: 1px solid black; padding: 2px;">\$5,580</div>																		
This violation Final Assessed Penalty (adjusted for limits)				<div style="border: 1px solid black; padding: 2px;">\$5,580</div>																	

Economic Benefit Worksheet

Respondent: Glazer's Wholesale Drug Company, Inc.

Case ID No.: 36974

Reg. Ent. Reference No.: RN102456753

Media: Petroleum Storage Tank

Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$1,000	28-Jul-2008	26-Sep-2008	1.08	\$54	\$1,000	\$1,054
Other (as needed)	\$100	28-Jul-2008	26-Sep-2008	1.08	\$5	\$100	\$105

Notes for AVOIDED costs

Avoided cost for conducting the bimonthly inspection (\$100) and triannual testing (\$1,000). The date required is 60 days before the inspection. Final date is the investigation date.

Approx. Cost of Compliance

\$1,100

TOTAL

\$1,160

Screening Date 6-Jan-2009		Docket No. 2009-0026-PST-E		PCW		
Respondent Glazer's Wholesale Drug Company, Inc.		<small>Policy Revision 2 (September 2002)</small>				
Case ID No. 36974		<small>PCW Revision October 30, 2008</small>				
Reg. Ent. Reference No. RN102456753						
Media [Statute] Petroleum Storage Tank						
Enf. Coordinator Roshondra Lowe						
Violation Number		<div style="border: 1px solid black; padding: 2px;">2</div>				
Rule Cite(s)		<div style="border: 1px solid black; padding: 2px;">30 Tex. Admin. Code § 334.50(b)(1)(A) and Tex. Water Code § 26.3475(c)(1)</div>				
Violation Description		<div style="border: 1px solid black; padding: 5px;">Failed to ensure that all Underground Storage Tanks ("USTs") are monitored in a manner which will detect a release at a frequency of at least once every month (not to exceed 35 days between each monitoring).</div>				
Base Penalty					<div style="border: 1px solid black; padding: 2px;">\$10,000</div>	
>> Environmental, Property and Human Health Matrix						
OR	Release		Harm		Percent	
			Major	Moderate		Minor
	Actual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>		<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
	Potential	<div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">x</div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">25%</div>	
>> Programmatic Matrix						
	Falsification	Major	Moderate	Minor	Percent	
	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">0%</div>	
Matrix Notes	<div style="border: 1px solid black; padding: 5px;">Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of this violation.</div>					
Adjustment					<div style="border: 1px solid black; padding: 2px;">\$7,500</div>	
					<div style="border: 1px solid black; padding: 2px;">\$2,500</div>	
Violation Events						
Number of Violation Events		<div style="border: 1px solid black; padding: 2px;">2</div>	Number of violation days			
		<div style="border: 1px solid black; padding: 2px;">103</div>				
mark only one with an x	daily	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	Violation Base Penalty			
	weekly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>				
	monthly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>				
	quarterly	<div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">x</div>				
	semiannual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>				
	annual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>				
	single event	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>				
<div style="border: 1px solid black; padding: 5px;">Two quarterly events are recommended based on the documentation of the violation during September 26, 2008 investigation to the January 6, 2009 screening date.</div>						
Good Faith Efforts to Comply		0.0% Reduction		\$0		
		Before NOV	NOV to EDPRP/Settlement Offer			
Extraordinary	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>				
Ordinary	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>				
N/A	x	(mark with x)				
Notes	<div style="border: 1px solid black; padding: 5px;">The Respondent does not meet the good faith criteria for this violation.</div>					
Violation Subtotal					<div style="border: 1px solid black; padding: 2px;">\$5,000</div>	
Economic Benefit (EB) for this violation			Statutory Limit Test			
Estimated EB Amount		<div style="border: 1px solid black; padding: 2px;">\$68</div>	Violation Final Penalty Total		<div style="border: 1px solid black; padding: 2px;">\$5,580</div>	
This violation Final Assessed Penalty (adjusted for limits)					<div style="border: 1px solid black; padding: 2px;">\$5,580</div>	

Economic Benefit Worksheet**Respondent:** Glazer's Wholesale Drug Company, Inc.**Case ID No.** 36974**Reg. Ent. Reference No.** RN102456753**Media** Petroleum Storage Tank**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	26-Sep-2008	24-Aug-2009	0.91	\$68	n/a	\$68

Notes for DELAYED costs

Estimated cost of monitoring all USTs for releases. The required date is based on the violation date. The final date is based on the date corrective actions are expected to be completed.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs**Approx. Cost of Compliance**

\$1,500

TOTAL

\$68

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600828685	Glazer's Wholesale Drug Company Inc	Classification: AVERAGE	Rating: 3.01
Regulated Entity:	RN102456753	GLAZERS WHOLESALE	Classification: AVERAGE BY DEFAULT	Site Rating: 3.01
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION		REGISTRATION	29433
Location:	101 45TH ST, CORPUS CHRISTI, TX, 78405			
TCEQ Region:	REGION 14 - CORPUS CHRISTI			
Date Compliance History Prepared:	January 05, 2009			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	January 05, 2004 to January 05, 2009			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Roshondra Lowe		Phone:	(713) 767-3553

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | |
| 5. When did the change(s) in ownership occur? | N/A |
| 6. Rating Date: 9/1/2008 Repeat Violator: NO | |

Components (Multimedia) for the Site :

- | | | |
|----|---|------------------------------|
| A. | Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. | N/A |
| B. | Any criminal convictions of the state of Texas and the federal government. | N/A |
| C. | Chronic excessive emissions events. | N/A |
| D. | The approval dates of investigations. (CCEDS Inv. Track. No.) | 1 11/25/2008 (706097)
N/A |
| E. | Written notices of violations (NOV). (CCEDS Inv. Track. No.) | N/A |
| F. | Environmental audits. | N/A |
| G. | Type of environmental management systems (EMSs). | N/A |
| H. | Voluntary on-site compliance assessment dates. | N/A |
| I. | Participation in a voluntary pollution reduction program. | N/A |
| J. | Early compliance. | N/A |

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
GLAZER'S WHOLESALE DRUG
COMPANY, INC.,
RN102456753**

§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2009-0026-PST-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Glazer's Wholesale Drug Company, Inc. ("Glazer's") under the authority of TEX. WATER CODE chs. 7 and 26, The Executive Director of the TCEQ, represented by the Litigation Division, and Glazer's appear before the Commission and together stipulate that:

1. Glazer's owns and operates a wholesale fleet refueling facility at 101 45th Street, Corpus Christi, Nueces County, Texas (the "Facility").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and TCEQ rules.
3. The Commission and Glazer's agree that the Commission has jurisdiction to enter this Agreed Order, and that Glazer's is subject to the Commission's jurisdiction.
4. Glazer's received notice of the violations alleged in Section II ("Allegations") on or about November 30, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Glazer's of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of eleven thousand one hundred fifty-nine dollars (\$11,159.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Glazer's paid eleven thousand one hundred fifty-nine dollars (\$11,159.00) of the administrative penalty.
7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Glazer's agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Glazer's permanently removed all of the Underground Storage Tanks ("USTs") at the Facility from service on March 18, 2009.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Glazer's has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

During an investigation conducted on September 26, 2008, a TCEQ Corpus Christi Regional Office investigator documented that Glazer's violated:

1. 30 TEX. ADMIN. CODE § 334.49(c)(2)(C) and TEX. WATER CODE § 26.3475(d) by failing to inspect the impressed current cathodic protection system at least once every 60 days to ensure the rectifier and other components are operating properly.
2. 30 TEX. ADMIN. CODE § 334.49(c)(4) and TEX. WATER CODE § 26.3475(d) by failing to test the corrosion protection system once every three years.
3. 30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1) by failing to ensure that all Underground Storage Tanks ("USTs") are monitored in a

manner which will detect a release at a frequency of at least once every month (not to exceed 35 days between each monitoring).

III. DENIALS

Glazer's generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Glazer's pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Glazer's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Glazer's Wholesale Drug Company, Inc., Docket No. 2009-0026-PST-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

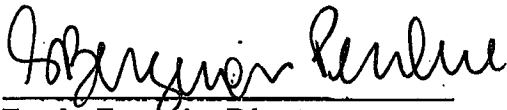
2. The provisions of this Agreed Order shall apply to and be binding upon Glazer's.
3. This Agreed Order, issued by the Commission, shall not be admissible against Glazer's in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Glazer's, or three days after the date on which the Commission mails notice of the Order to Glazer's, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Glazer's Wholesale Drug Company, Inc.
Docket No. 2009-0026-PST-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

6/17/2009


Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on Glazer's compliance history;
- Greater scrutiny of any permit applications submitted by Glazer's;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against Glazer's;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Glazer's; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

6/9/09

Date

Cary Rossel

Name (printed or typed)

Authorized representative of

Glazer's Wholesale Drug Company, Inc.

Vice-President, Chief Financial Officer

Title